IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO: 3:04CV453

JAMES MORRISON,)
Plaintiff)
)
vs.) ORDEI
)
W. FRANK PORTER,)
Defendant)
)

THIS MATTER IS BEFORE THE COURT on the "Motion to Stay Mediation Deadline" (Document No. 23), filed September 14, 2005 by W. Frank Porter. James Morrison has not replied to the Motion, and the time for doing so has expired. Because cross motions for summary judgment are pending, and seeing that Mr. Morrison has not objected to this Motion, this Court will grant the Motion.

IT IS, THEREFORE, ORDERED that the "Motion to Stay Mediation Deadline" (Document No. 23) is hereby **GRANTED**.

IT IS FURTHER ORDERED that the mediation deadline, originally set for July 1, 2005, is cancelled. The Court will set a new mediation deadline, if necessary, after the resolution of the parties' cross motions for summary judgment.

Signed: October 7, 2005

David C. Keesler

United States Magistrate Judge